

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Public Health Department

#### Notification

54/30/80-PHD

In exercise of the powers conferred by sub-section (1) read with clause (m) of sub-section (2) of section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) and after consulting the Central Board, the Administrator of the Union Territory of Goa, Daman and Diu hereby makes the following rules, namely: —

#### CHAPTER I

##### Preliminary

1. *Short title and commencement.* — (1) These Rules may be called the Goa, Daman and Diu Water (Prevention and Control of Pollution) Appeal Rules, 1980.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.* — In these rules, unless the context otherwise requires, —

(a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974);

(b) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu appointed under Article 239 of the Constitution;

(c) "appellant" means any person aggrieved by and appealing against an order made by the Central Board under section 25, section 26 or section 27 of the Act;

(d) "appellate authority" means an appellate authority constituted by the Administrator under section 28 of the Act;

(e) "Central Board" means the Central Board for Prevention and Control of Water Pollution set up by the Central Government under the Act;

"Form" means the form annexed to these rules;

(f) "Member Secretary" means the Member-Secretary of the Central Board;

(g) "section" and "sub-section" means the section and the sub-section respectively of the Act;

(h) Words and expressions used in these rules but not defined, shall have the same meanings as assigned to them in the Act.

#### CHAPTER II

##### Memorandum of appeal

3. *Appeal to be filed by aggrieved persons.* — (1) Every appeal against an order passed by the Central Board under section 25, section 26 or section 27 of the Act shall be filed by the aggrieved person in form 'A' if it relates to a matter covered by clause (a) of sub-section (5) of section 28 and in form 'B' if it relates to a matter covered by clause (b) of sub-section 5 of section 28.

(2) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal made on behalf of more than one person shall be entertained by the appellate authority.

(3) (a) Every appeal shall —

(i) be in writing;

(ii) specify the name and address of the appellant and the date of the order appealed against;

(iii) specify the date on which the order appealed against was communicated to the appellant;

(iv) contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal;

(v) state precisely the relief prayed for; and

(vi) be signed and verified by the appellant or his agent duly authorised by the appellant in writing in this behalf.

(b) Every appeal shall be accompanied by —

(a) an authenticated copy of the order against which the appeal is made;

(b) a copy of the application made under section 25 or under section 26, as the case may be;

(c) any document relevant to the appeal; and

(d) a satisfactory proof of the payment of the fee prescribed under this rule.

(c) A fee of Rs. 100/- only shall be deposited by every appellant in the office of the appellate authority and an authenticated copy of the receipt obtained therefor shall be annexed to every appeal.

No appeal which is not accompanied by the aforesaid copy of the receipt shall be entertained by the appellate authority.

(4) Every appeal shall be submitted in quadruplicate and shall be presented to the appellate authority either by the appellant or by his authorised agent in person or may be sent to such authority by registered post. When the appeal is presented by an agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such as agent.

(5) On receipt of the appeal, the appellate authority or any person authorised by it in this behalf, shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

**4. Procedure to be followed by the appellate authority in dealing with and disposal of the appeal.** — (1) The appellate authority shall, as soon as may be, after the appeal is filed before it, fix a date for hearing the appeal and give intimation of the same to the appellant and the Member-Secretary in Form 'C'. While giving such intimation to the Member Secretary, a copy of the appeal together with enclosures received with it, shall also be sent to the Member-Secretary, and he shall be called upon to send to the appellate authority all the relevant records connected with the matter relating to the appeal.

(2) Where the material on record is insufficient to enable the appellate authority to come to a definite decision, it may take additional evidence and call for such further material from the appellant or the Member-Secretary as it deems fit. Such material shall form part of the record, but not in respect of the party other than that from whom such record has been received unless such other party has been given an opportunity to pursue such record and defend itself against anything contained therein which is detrimental to the interest of that party.

(3) Where on the date fixed for hearing or on any date to which the appeal may be adjourned for hearing of, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be liable to be dismissed.

(4) When an appeal is dismissed under sub-rule (3), the appellant may, within 30 days from the date of dismissal of appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented by any cause, sufficient in the opinion of the appellate authority, from appearing when the appeal was called for hearing, the appellate authority may restore the appeal on such terms as it thinks fit.

**5. Order to be in writing.** — The order passed by the appellate authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision thereon, and the reasons for the decision.

**6. Supply of copy of order to the appellant and the Board.** — A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to

the appellant and a copy thereof shall also be sent to the Member-Secretary.

#### FORM 'A'

#### Form of appeal under section 28 of the Water (Prevention and Control of Pollution) Act, 1974

[See sub-rule (1)(a) of rule 3]

Before Chief Secretary, Chairman Appellate Authority constituted under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974).

Memorandum of appeal of Shri ... (appellant)

VS

The Central Board for Prevention and Control of Pollution-Respondent

The appeal of Shri ... resident ... District ... against the order ... dated ... passed by the Central Board for Prevention and Control of Water Pollution under section \*25/26 of the Water (Prevention and Control of Pollution) Act, 1974 sheweth as follows :—

- (1) Under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) the appellant has been granted consent subject to the condition mentioned in the consent order in respect of the ... company/corporation/municipality/notified area committee; etc. note below :

- (a) name of plant/company/corporation/municipality/notified area committee;
- (b) place;
- (c) ward No;
- (d) Name of the street; and
- (e) District

A copy of the consent order in question is attached hereto.

- (2) The facts of the case are as under :—  
(here briefly mention the facts of the case)
- (3) The grounds on which the appellant relies for the purpose of this appeal are as below :—  
(here mention the grounds on which appeal is made)

- 1.
- 2.
- 3.

- (4) In the light of what is stated above, the appellant respectfully prayeth that (a) the unreasonable condition (s) imposed should be treated as annulled or it/they should be substituted for such other condition (s) as appears to be reasonable

or

- (b) the unreasonable condition (s) ... should be varied in the following manner (here mention the manner in which the condition (s) objected should be revised)

An amount of Rs. ... as fee for this appeal has been paid vide receipt No. ... dated ... as authenticated copy of which is attached in proof of payment.

Signature of the Applicant  
(Name in Block letters)

Occupation ...  
Address ...

Date :

#### VERIFICATION

I ... (appellant name) in the above Memorandum of appeal/ or duly authorised agent do/does hereby declare that what is stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature ...  
Name ... (in Block letters)  
Occupation ...  
Address ...

Date :

\* Strike out what is not applicable.

## FORM 'B'

Form of Memorandum of appeal under section 27 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974). (See rule 1(b) of rule 3)

Before Chief Secretary, Chairman Appellate Authority constituted under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974).

Memorandum of appeal of Shri ... Appellant

Vs

The Central Board for Prevention and Control of Pollution-Respondent.

The appeal of Shri ... resident of ... District ... against the order ... dated ... passed by the Central Board for the Prevention and Control of Water Pollution under section 27 of the Water (Prevention and Control of Pollution) Act, 1974 showeth as follows:—

\*The appellant has been refused consent

Or

\*The consent has been withdrawn by the Board in respect of the plant/company/corporation/municipality/Notified area committee noted below:

- (a) name of the plant/company/corporation/municipality/Notified area committee;
- (b) place;
- (c) Ward No.;
- (d) Name of the street;
- (e) District

A copy of the order in question is attached hereto.

The appellant being aggrieved by the aforesaid order respectfully prayeth that the said order be set aside on, among others, the following ground (s)

Signature ...

Name in block letters ...

Occupation ...

Address ...

Date :

## Verification

I ... (appellant name) in the above Memorandum of appeal/or duly authorised agent do/does hereby declare that what is stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature ...

Name in block letters ...

Occupation ...

Address ...

Date :

\*Strike out what is not applicable.

## Form 'C'

## Form of Notice

(See rule sub-rule (1) of rule 4)

Before Chief Secretary, Chairman, Appellate Authority as constituted under Section 28(1) of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974):

In the matter of appeal No. ... 198 ... filed under section 28 of the Water (Prevention and Control Pollution) Act, 1974 (6 of 1974) by Shri ... (here mention name and address of the appellant).

Vs

The Central Board for Prevention and Control of Water Pollution, New Delhi — Respondent.

WHEREAS Shri ... (here mention name and address of the appellant) has filed before the Authority a Memo-

randum of appeal against the order ... dated ... passed by the Central Board for Prevention and Control of Water Pollution under \*Section 25/26/27 of the Act:

AND WHEREAS under sub-section (4) of the section 28 of the Act, this Authority is required to give the parties an opportunity of being heard;

NOW, THEREFORE, please take notice that this Authority has fixed ... 198 ... as the date of hearing of the aforesaid appeal. The hearing shall take place at ... a.m./p.m. on that date in the Office of the Board at ... You are hereby called upon to appear before this Authority at the appointed time and date and place, either in person or through a duly authorised agent, and explain your case. Please take notice that failure on your part to appear on the day of hearing either in person or through a duly authorised agent, without showing sufficient cause to the satisfaction of this Authority will make your appeal liable to be dismissed or decided *ex parte*.

Given under the hand and seal of the Appellate Authority at ...

This ... day ... 198 ...

\* Delete whatever is not applicable.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 3rd March, 1980.

## Industries and Labour Department

## Notification

26/7/79-ILD

The following rules which the Government of Goa, Daman and Diu proposes to make under the provisions of Section 29 read with Section 31(1) of the Boilers' Act, 1923, so as to amend the Goa Boilers Rules, 1964, are hereby published for the information of the general public. Notice is hereby given that the said draft will be taken into consideration on expiry of 15 days from the date of publication of this Notification. Any person who has any suggestion or observation to make on the said draft may forward the same to the Secretary to the Government, Industries and Labour Department, Secretariat, Panaji, before the expiry of 15 days from the date of publication of this Notification in the Official Gazette so that they may be taken into consideration at the time of finalisation of the proposed rules.

## DRAFT RULES

In exercise of the powers conferred by section 29 read with sub-section (1) of Section 31 of the Boilers' Act, 1923 (5 of 1923) the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. *Short title and commencement*:— (1) These rules may be called the Goa Boilers (Amendment) Rules, 1980.

(2) They shall come into force at once.

2. *Amendment of Rule 4* — For rule 4 of the Goa Boilers Rules, 1964 (hereinafter called the "Principal Rules") the following shall be substituted, namely:

"Rule 4. The location and charge of the Office for the territory of Goa, shall be as follows :

Location	Officer-in Charge
Panaji	Senior Inspector of Factories and Boilers

3. *Substitution of Form B* — For Form B appended to the Principal Rules, the following shall be substituted, namely : —

"FORM B"

Indian Boilers Act, 1923 (Act V of 1923)

Notice for Examination of Boiler under Section 7 and 8 (Rule 34)

No. of 19

STEAM BOILER INSPECTION OFFICE:

Dated the 19

To

Gentleman/Sir,

In reply to your application dated you are hereby informed that Boiler, Registry No. at the above named premises will be thoroughly examined by the Government Inspector on the . . . . To enable the examination to be made, you are bound —

(a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of you;

(b) to have the boiler properly prepared and ready for examination in the prescribed manner; and

(c) in the case of an application for the registration of a boiler, to provide such drawings, specifications, certificates and other particulars as may be prescribed.

Voucher No. in acknowledgement Bank Receipt  
No. for Rs. accompanies. Treasury

Senior Inspector of Factories and Boilers, Panaji.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Industries and Labour).

Panaji, 14th March, 1980.

Finance Department (Revenue and Control)

Notification

5-2-78/Fin(RC)

In exercise of the powers conferred by sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), the Lieutenant Governor of Goa, Daman and Diu being satisfied that it is necessary so to do in the public interest, hereby directs that for a further period of one year with effect from 29-3-1980 to 28-3-1981 (both days inclusive), the tax payable under the said Act, by

any dealer having his place of business in the Union territory of Goa, Daman and Diu in respect of the sale of cashew kernels by him from any such place of business in the course of inter-State trade and commerce, shall be calculated at the rate of two per cent of the sale price of the said goods so sold.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Finance).

Panaji, 11th March, 1980.

Notification

1/1/79-Fin(RC)

In exercise of the powers conferred by section 42 of the Goa, Daman and Diu Excise Duty Act, 1964 (5 of 1964), the Government of Goa, Daman and Diu hereby exempts the toddy tappers throughout Goa, from the operation of the provision of sub-rule (3) of rule 66 of the Goa, Daman and Diu Excise Duty Rules, 1964, subject to the condition that at the time of applying for a still licence, the toddy tapper shall satisfy the concerned Excise Inspector that he is legally tapping trees in the adjoining Talukas by producing a challan of payment of Excise Duty and tree tax.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Finance).

Panaji, 21st March, 1980.

Law Department (Legal Advice)

Notification

LD/1070/80

The following Ordinance which was recently promulgated by the President of India on 7-3-1980 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 21st March, 1980.

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) ORDINANCE, 1980

No. 1 of 1980

Promulgated by the President in the Thirty-first Year of the Republic of India.

An Ordinance further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. *Amendment of section 6.*—In section 6 of the Requisitioning and Acquisition of Immovable Property Act, 1952 30 of 1952. (hereinafter referred to as the principal Act), in sub-section (1A), for the words "ten years", wherever they occur, the words "fifteen years" shall be substituted.

3. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (2A),—

(a) in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

"(ii) secondly with effect from the expiry of five years, and thirdly with effect from the expiry of ten years, from such commencement;"

(b) in clause (b), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

"(ii) secondly with effect from the date of expiry of five years, and thirdly with effect from the date of expiry of ten years, from the date on which the revision made under sub-clause (i) takes effect;"

(c) for clause (c), the following clause shall be substituted, namely:—

"(c) in any other case,—

(i) first with effect from the date of expiry of five years from the date on which possession of such property has been surrendered or delivered to, or taken by, the competent authority under section 4, and

(ii) secondly with effect from the date of expiry of five years from the date on which the revision under sub-clause (i) takes effect."

N. SANJIVA REDDY,

President.

R. V. S. PERI SASTRI,

Secy. to the Govt. of India.

#### Notification

LD/963/80

The following Central Act namely:—

The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 which was recently passed by the Parliament and assented to by the President of India on 12-2-1980 and published in the Gazette of India,

Part II, Section I dated 12-2-1980 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 12th March, 1980.

#### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

Legislative Department

New Delhi, the 12th February, 1980/  
/Magha 23, 1901 (Saka)

The following Act of Parliament received the assent of the President on the 12th February, 1980, and is hereby published for general information:—

#### THE PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ACT, 1980

No. 7 of 1980

[12th February, 1980]

An Act to provide for detention in certain cases for the purpose of prevention of blackmarketing and maintenance of supplies of commodities essential to the community and for matters connected therewith.

Be it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 5th day of October, 1979.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means, as respects a detention order made by the Central Government or by an officer of the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer of a State Government or as respects a person detained under such order, the State Government;

(b) "detention order" means an order made under section 3;

(c) "State Government", in relation to a Union territory, means the administrator thereof.

3. *Power to make orders detaining certain persons.*—(1) The Central Government or a State Government or any officer of the Central Government, not below the rank of a Joint Secretary to that Government specially empowered for the purposes of this section by that Government, or any officer of a State Government, not below the rank of a Secretary to that Government specially empowered for the purposes of this section by that Government, may, if satisfied, with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of supplies

of commodities essential to the community it is necessary so to do, make an order directing that such person be detained.

*Explanation.*—For the purposes of this sub-section, the expression “acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community” means —

(a) committing or instigating any person to commit any offence punishable under the Essential Commodities Act, 1955, or under any other law for the time being in force relating to the control of the production, supply or distribution of, or trade and commerce in, any commodity essential to the community; or

(b) dealing in any commodity —

(i) which is an essential commodity as defined in the Essential Commodities Act, 1955, or

(ii) with respect to which provisions have been made in any such other law as is referred to in clause (a),

with a view to making gain in any manner which may directly or indirectly defeat or tend to defeat the provisions of that Act or other law aforesaid.

(2) Any of the following officers, namely : —

(a) district magistrates;

(b) Commissioners of Police, wherever they have been appointed.

may also, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub-section.

(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the State Government:

Provided that where under section 8 the grounds of detention are communicated by the authority making the order after five days but not later than ten days from the date of detention, this sub-section shall apply subject to the modification that for the words “twelve days”, the words “fifteen days” shall be substituted.

(4) When any order is made or approved by the State Government under this section or when any order is made under this section by an officer of the State Government not below the rank of Secretary to that Government specially empowered under sub-section (1), the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order.

4. Execution of detention orders.—A detention order may be executed at any

place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973.

2 of 1974.

5. Power to regulate place and conditions of detention.—Every person in respect of whom a detention order has been made shall be liable —

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify; and

(b) to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government:

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another except with the consent of the Government of that other State.

6. Detention orders not to be invalid or inoperative on certain grounds.—No detention order shall be invalid or inoperative merely by reason —

(a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making the order, or

(b) that the place of detention of such person is outside the said limits.

7. Powers in relation to absconding persons. — (1) If appropriate Government has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government may —

(a) make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973, shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under clause (b) of sub-section (1) shall be cognizable.

8. Grounds of order of detention to be disclosed to person affected by the order.—(1) When a per-



son is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

**9. Constitution of Advisory Boards.**—(1) The Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Act.

(2) The constitution of every such Board shall be in accordance with the recommendations of the Chief Justice of the appropriate High Court.

(3) Every such Board shall consist of a Chairman and not less than two other members, and the Chairman shall be a serving Judge of the appropriate High Court and the other members shall be serving or retired Judges of any High Court.

*Explanation.*—In this section “appropriate High Court” means—

(a) in the case of the detention of a person in pursuance of an order of detention made by the Central Government or an officer of the Central Government or the administrator of the Union territory of Delhi or an officer subordinate to such administrator, the High Court for the Union territory of Delhi;

(b) in the case of the detention of a person in pursuance of an order of detention made by any State Government (other than the administrator of a Union territory) or an officer of such State Government, the High Court for that State; and

(c) in the case of the detention of a person in pursuance of an order of detention made by the administrator of a Union territory (other than the Union territory of Delhi) or an officer subordinate to such administrator, such High Court as the Central Government may, by order published in the Official Gazette, specify with respect to such Union territory.

**10. Reference to Advisory Boards.**—Save as otherwise expressly provided in this Act, in every case where a detention order has been made under this Act, the appropriate Government shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 9, the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer referred to in sub-section (2) of section 3, also the report by such officer under sub-section (3) of that section.

**11. Procedure of Advisory Boards.**—(1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from

the appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned, and if, in any particular case, it considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the appropriate Government within seven weeks from the date of detention of the person concerned.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

(3) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board, and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

**12. Action upon the report of Advisory Board.**—

(1) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(2) In any case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith.

**13. Maximum period of detention.**—The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 12, shall be six months from the date of detention:

Provided that nothing contained in this section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time.

**14. Revocation of detention orders.**—

(1) Without prejudice to the provisions of section 21 of the General Clauses Act, 1897, a detention order may, at any time, 10 of 1897. be revoked or modified—

(a) notwithstanding that the order has been made by an officer of a State Government, by that State Government or by the Central Government;

(b) notwithstanding that the order has been made by an officer of the Central Government or by a State Government, by the Central Government.

(2) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date

of revocation or expiry on which the Central Government or a State Government or an officer, as the case may be, is satisfied that such an order should be made.

**15. Temporary release of persons detained.** — (1) The appropriate Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) If any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

**16. Protection of action taken in good faith.** — No suit or other legal proceeding shall lie against the Central Government or a State Government, and no suit, prosecution or other legal proceeding shall lie against any person, for anything in good faith done or intended to be done in pursuance of this Act.

**17. Repeal and saving.** — (1) The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Ordinance, 1979, is hereby repealed. 10 of 1979.

(2) Notwithstanding such repeal anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

R. V. S. PERI SASTRI,  
Secy. to the Govt. of India.

Law Department (Establishment)

Office of the Chief Electoral Officer

#### Notification

3-4-79/Elec.

The following notification No. 56/79-VII dated 29-2-1980 issued by the Election Commission of

India, New Delhi is hereby re-published for general information.

M. K. Mishra, Chief Electoral Officer.

Panaji, 11th March, 1980.

Election Commission of India

New Delhi, dated 29 February, 1980

Phalgun 10, 1901 (Saka)

#### Notification

S. O. — Whereas the Election Commission is satisfied that as a result of its poll performance at the general election to the Legislative Assembly of Sikkim held in October 1979, the Sikkim Prajatantra Congress which is a registered unrecognised political party is entitled for recognition as a State Party in the State of Sikkim in terms of paragraph 6 of the Election Symbols (Reservation and Allotment) Order, 1968;

And whereas the Commission has decided to recognise the Sikkim Prajatantra Congress as a State Party in the State of Sikkim, and reserve the symbol 'Ladder' for the said party in Sikkim;

Now, therefore, in pursuance of clause (b) and clause (c) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments in its notification No. 56/79, dated 28 September, 1979 published as S. O. 557 (E) in the Gazette of India, Extraordinary, Part II, Section 3 (ii) dated 28 September, 1979, and as amended from time to time, namely —

(1) In TABLE 2 of the said notification, in the entries relating to Sikkim, under column 2 and 3

(a) the entry "4. Sikkim Prajatantra Congress — Ladder" shall be inserted; and

(2) In TABLE 3 of the said notification, under columns 1 and 2,

(a) the entry "12. Sikkim Prajatantra Congress — Sikkim" shall be deleted; and

(b) the existing entry No. 13 shall be renumbered as No. 12.

[No. 56/79-VII]

By order,

K. GANESAN

Secretary to the Election Commission of India

Government Press

#### Notice

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